

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

Case No.: 22-cv-20712-RKA

PENINSULA PETROLEUM LIMITED,

Plaintiff,

v.

CI INTERNATIONAL FUELS LLC,

Defendant.

**JOINT MOTION FOR (i) HEARING DATE FOR FILINGS RELATED TO THE
SUBJECT MATTER JURISDICTION ISSUE RAISED IN DEFENDANT’S RENEWED
MOTION TO DISMISS (DKT. 69); AND (ii) AN ORDER HOLDING ALL OTHER
DEADLINES IN ABEYANCE UNTIL SUCH TIME AS THIS COURT DECIDES
WHETHER IT HAS SUBJECT MATTER JURISDICTION.**

Plaintiff, PENINSULA PETROLEUM LIMITED, and Defendant, CI INTERNATIONAL FUELS LLC, by and through each of their respective counsel, and pursuant to Fed. R. Civ. P. 29(b) and the Local Rules of the Southern District of Florida, hereby jointly move the Court for an order:

- (i) That affords the parties a new fact discovery deadline of August 14, 2023;
- (ii) That affords the parties an oral argument date on the jurisdictional discovery issue raised in Defendant’s Renewed Motion to Dismiss; and
- (iii) That holds all other dates on the Amended Order Setting Trial and Pre-Trial Schedule (Dkt. 73) in abeyance until such time as the jurisdictional discovery issue is decided.

The parties intend to present discovery issues to Magistrate Judge Lisette M. Reid, the requested outcome of which will likely be that there must be full and complete document production on or before July 31, 2023, which would enable the Defendant to amend or supplement its response to Plaintiff’s Request for Production, or discovery issues will be rendered moot should

the Court determine that it lacks jurisdiction. In conjunction therewith, the parties request: (i) a new fact discovery deadline of August 14, 2023 (subject to Magistrate Reid imposing a discovery order deadline of July 31, 2023); and (ii) that the Parties be assigned a hearing date to present subsequent evidence and argument in relation to Defendant's Renewed Motion to Dismiss (Dkt. 69), Plaintiff's Response in Opposition (Dkt. 70), and Defendant's Reply (Dkt. 71).

As grounds for this motion, the parties refer the Court to the procedural posture of this matter thus far:

1. On March 22, 2023, Defendant filed its Renewed Motion to Dismiss (Dkt. 69).
2. Plaintiff served its request for production of documents (which includes jurisdictional discovery issues) on April 19, 2023, just one week after Defendant's reply brief on its composite motion to dismiss was filed.
3. On May 5, 2023, the parties filed a Joint Motion to Extend Discovery Deadline (Dkt 72) which was granted by way of Amended Order Setting Trial and Pre-Trial Schedule (Dkt. 73) on May 10, 2023. The Amended Order afforded the parties until July 14, 2023 to complete all discovery, and until July 28, 2023 to file all pre-trial motions, including motions for summary judgment.
4. Since that time, Plaintiff has reached out to Magistrate Judge Reid's chambers requesting a hearing date to go before her to resolve certain discovery disputes and jointly propose that any documents responsive to requests for production of documents be exchanged on or before July 31, 2023.

It is worth reiterating that Defendant's subject matter jurisdiction defense was only recently raised, and initially briefed, as of April 12, 2023. Assuming production of all documents is ordered to be completed by July 31, 2023, the parties will need additional time in which to both conduct depositions and submit their findings and arguments to the Court in support of their respective positions regarding subject matter jurisdiction. This issue is a threshold matter which necessarily dictates whether this Court has authority to allow the case to proceed on its merits.

Pursuant to S.D. Fla. L.R. 7.1(a)(3), the parties have conferred, and they submit this motion jointly. Because of the relatively straightforwardness of the issues, and the fact that this

will be a bench trial, absent some type of unforeseen circumstances, the parties anticipate being able to promptly proceed with pre-trial motions (i.e., summary judgment) or a bench trial soon after the jurisdictional discovery issue is decided. But, until that time, it is in each party's best interest for focus to remain on the jurisdictional challenge Defendant raised and for all other deadlines to be held in abeyance until such time as this threshold issue is decided by this Court.

WHEREFORE, the parties jointly request that the Court grant this joint motion to (i) afford them until August 14, 2023, to complete all fact discovery; (ii) afford them an oral argument date on the same; and (iii) place all other dates in the Amended Order Setting Trial and Pre-Trial Schedule (Dkt. 73) in abeyance until such time as the jurisdictional discovery issue is decided.

CERTIFICATE OF GOOD-FAITH COMPLIANCE

Counsel for each party discussed the matter, and they have chosen to jointly file the instant Motion.

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Plaintiff

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